

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	CRIMINAL ACTION NO.
VS.	)	
	)	3:02-CR-328-G
DAVID RAY WALLACE,	)	
	)	
Defendant.	)	

**ORDER**

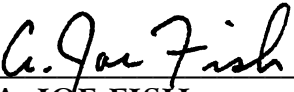
The United States Magistrate Judge made findings, conclusions and a recommendation in this case. Defendant filed objections, and the district court has made a *de novo* review of those portions of the proposed findings, conclusions, and recommendation to which objection was made. The objections are overruled, and the court **ACCEPTS** the findings, conclusions and recommendation of the United States Magistrate Judge.

Defendant's Rule 60(b) motion (docket entry 112) is construed as an unauthorized successive 28 U.S.C. § 2255 motion. The court directs the district clerk's office to open a new civil action (nature of suit: 510), to assign the case to

Senior District Judge A. Joe Fish and Magistrate Judge David L. Horan, and to file the motion in that action. The clerk's office is further directed to terminate the motion (docket entry 112) in the criminal case. The successive 28 U.S.C. § 2255 motion is **TRANSFERRED** to the **United States Court of Appeals for the Fifth Circuit** for appropriate action.

**SO ORDERED.**

September 9, 2014.

  
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A. JOE FISH  
Senior United States District Judge